

To: Gary.Gengel@lw.com[Gary.Gengel@lw.com]
Cc: barbara.kelly@wilsonelser.com[barbara.kelly@wilsonelser.com]
From: Fajardo, Juan
Sent: Tue 7/25/2017 8:48:05 PM
Subject: RE: Passaic: Covanta Essex

Gary,

While I understand your desire to discuss Covanta's nexus to the lower 8.3 miles, I do not have anything to offer beyond what was said in Eric Wilson's May 17, 2017 letter.

As we have said before, the early cash out candidates are those parties that EPA can say with confidence are not associated with the release of any contaminant of concern related to operable unit 2 for the Site. In Covanta's case, EPA was not able to make that determination. That said, Covanta may be eligible for a cash out settlement in the future.

Sincerely,

Juan M. Fajardo

From: Gary.Gengel@lw.com [mailto:Gary.Gengel@lw.com]
Sent: Tuesday, July 25, 2017 3:00 PM
To: Fajardo, Juan <Fajardo.Juan@epa.gov>
Cc: barbara.kelly@wilsonelser.com
Subject: Passaic: Covanta Essex

Juan –

As we discussed, please respond with your availability later this week for a 30 minute discussion on EPA's understanding of Covanta Essex's nexus to the Passaic River. We are simply interested in your perception of the company's nexus based on the record and desire an understanding of why it was not eligible for the early buyout.

Thanks much,

Gary P. Gengel

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